

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

FPS INVESTMENTS, LLC,

Plaintiff,

vs.

AZTECA MILLING L.P., et al.,

Defendants.

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Case No. 4:07-CV-1303 (JCH)

**ORDER**

The matter is before the Court on Defendant's Supplemental Brief (Doc. No. 29), filed January 21, 2008. In this brief, Defendant informed the Court that it no longer wishes to pursue its motion to dismiss.

Accordingly,

**IT IS HEREBY ORDERED** that Defendants' Motion to Dismiss (Doc. No. 15) is **DENIED** without prejudice.

Dated this 23rd day of January, 2008.

/s/ Jean C. Hamilton  
UNITED STATES DISTRICT JUDGE